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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

January 28, 2014
Certified Mail
7011 2000 0001 1428 7327

Grace Baptist Church
1980 S. Walton Ave
Yuba City, CA. 95993

Attention: Javier Caballero, Pastor

**Subject: Public Water System No. 5100180 – Amended Compliance Order for Arsenic
Maximum Contaminant Level Exceedance**

Enclosed is Compliance Order No. 21-14R-001, an amendment to Compliance Order No. 01-21-09(O)51009 revision A1 (Order), which is hereby issued by the California Department of Public Health (Department) to Grace Baptist Church for non-compliance with the maximum contaminant level (MCL) for arsenic of 10 ug/l (micro-grams per liter). Additionally, this Order has revised Directives.

In summary, the revised Directives require the following new actions: (1) response in writing by no later than February 4, 2014, indicating your intention to comply with this Order, (2) the identified capital improvements must be completed by July 21, 2014 as outlined in the Capital Improvement Plan, (3) if continuing to provide bottled water in lieu of public notification, all drinking water sites such as drinking fountains, faucets, and hose spigots must be marked with a warning that the water should not be consumed.

Please read the Order carefully and thoroughly while paying special attention to respond to the remaining directives not mentioned above. Contact Paul Rowe at 530-224-4866 if you have any questions. My phone number is 530-224-4861 if you wish to contact me directly.


Reese Crenshaw, P.E.
Valley District Engineer
Drinking Water Field Operations Branch

Enclosure

cc: Richard Hinrichs, P.E., Chief, Northern California Section
Sutter County Department of Environmental Health

**STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

IN RE: GRACE BAPTIST CHURCH
Water System No.5100180

TO: Javier Caballero, Pastor
1980 S. Walton Ave.
Yuba City, CA. 95993

ISSUED: January 28, 2014
VIA CERTIFIED MAIL

**COMPLIANCE ORDER FOR
ARSENIC MAXIMUM CONTAMINANT LEVEL VIOLATION
Amended**

Section 116655, Chapter 4, Part 12, Division 104 of the California Health and Safety Code (CHSC), authorizes the California Department of Public Health (hereinafter Department) to issue a compliance order for failure to comply with a requirement of the California Safe Drinking Water Act, or any regulation, standard, permit, or order issued or adopted pursuant to Chapter 4. The Department regulates public water systems for compliance with all California regulations related to drinking water.



APPLICABLE AUTHORITIES

Section 116555 (a)(1) and (a)(3) of the CHSC

Title 22, Section 64431(a) of the CCR

Section 116725 of the CHSC

Section 116730 of the CHSC

The text of these sections is included in the Appendix.

FINDINGS AND BACKGROUND

The source of supply for Grace Baptist Church (hereinafter Water System) is a groundwater well designated as Well No. 1 (Source No. 5100180-001), which serves an estimated population of 200 people.

Although Well No. 1 is the only source of domestic potable water, the Water System has been providing bottled water to consumers due to a history of arsenic levels which exceed the maximum contaminant level (MCL) of 10 micrograms per liter (ug/L) in the ground water. Beginning with the arsenic exceedance, which began the third calendar quarter of 2006, quarterly arsenic samples have been collected from this well to date. The average arsenic level within this time period is 16.4 ug/L.

As a result of arsenic non-compliance, the Water System was sent Compliance Order No. 01-21-09(O)51006 on January 5, 2009, and revised Compliance Order No. 01-21-09(O)51009A1 on July 26, 2010. The revision was to include additional directives for the Water System to submit a Capital



Improvement Plan in lieu of applying for a low interest loan, and providing bottled water in lieu of posting quarterly public notices.

In addition to previous directives, the purpose of the current revision is to set a completion date for the Capital Improvement Plan (CIP) and to direct the Water System to ensure that all drinking water sources (drinking fountains, hose spigots, faucets, etc.) are marked with warning signs until the water is safe to drink. See "Order" section below for full description.

CONCLUSIONS OF LAW

Based on the above Findings, the California Department of Public Health (Department) has determined that the Water System has violated provisions contained in the CHSC and Title 22, California Code of Regulations (CCR). These violations include, but are not limited to, the following:

1. CHSC, Section 116555 (a) (1): Specifically, the Water System has failed to provide water that complies with primary and secondary drinking water standards.
2. CHSC, Section 116555 (a)(3): Specifically, the Water System has failed to ensure that the water system is provided with a reliable and adequate supply of pure, wholesome, healthful and potable water.



- 1
- 2 3. CCR, Title 22 Section 64431: Specifically, the Water System has
- 3 failed to comply with the primary maximum contaminant level for
- 4 arsenic of 10 ug/L.
- 5

6 **ORDER**

7 To ensure that the water supplied by the Water System is at all times safe,

8 wholesome, healthful, and potable, and pursuant to Section 116555 of the

9 CHSC, the Water System is ordered to take the following interim actions:

10

- 11 1. Submit a written response by **February 11, 2014** indicating a
- 12 willingness to comply with the directions of this order.
- 13
- 14 2. The identified capital improvements received by the Department
- 15 shall be completed as outlined in the Capital Improvement Plan, by
- 16 no later than **July 31, 2014**.
- 17
- 18 3. Until such time that the Water System is in compliance with the
- 19 maximum contaminant level for arsenic, the Water System shall
- 20 provide public notification to all consumers once each calendar
- 21 quarter, at approximately 90-day intervals, which notifies
- 22 consumers that the domestic water exceeds the arsenic maximum
- 23 contaminant level. The Water System shall submit a copy of the
- 24 quarterly notification and certification that it has been distributed to
- 25 water users to the Department by no later than the tenth day of the
- 26 month following the month the notification was distributed. The
- 27



notification and certification shall be in the form and manner directed by the Department.

4. In lieu of Directive #3 above, the Water System shall provide consumers with either approved bottled water, or water from approved point-of-use devices, or both. The Water System shall continue to submit monthly summaries of bottled water consumption, or point-of-use device testing and monitoring, by the tenth day of the following month.

5. If directive #4 is above is pursued, until such time that the Water System is in compliance with the maximum contaminant level for arsenic, all drinking water sources within the water system (drinking fountains, hose spigots, faucets, etc.) shall be marked with a warning that the water should not be consumed.

The Department reserves the right to make modifications to this Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance. All submittals required by this Order shall be addressed to:

Reese Crenshaw, Valley District Engineer
California Department of Public Health
Drinking Water Field Operations Branch
364 Knollcrest Drive, Suite 101
Redding, CA 96002



1
2 If the Water System is unable to perform the tasks specified in this Order for
3 any reason, whether within or beyond its control, and if the Water System
4 notifies the Department in writing no less than thirty days in advance of the
5 due date, the Department may extend the time for compliance if the Water
6 System demonstrates that it has used its best efforts to comply with the
7 schedule and other requirements of this Order.
8

9
10 If the Water System fails to perform any of the tasks specified in this Order
11 by the time described herein, the Water System shall be deemed to have not
12 complied with the obligations of this Order and may be subject to additional
13 judicial action, including civil penalties specified in CHSC Code, Sections
14 116725 and 116730.
15

16 The State of California shall not be liable for any injuries or damages to
17 persons or property resulting from acts of omissions by the Water System, its
18 employees, agents, or contractors in carrying out activities pursuant to this
19 Order, nor shall the State of California be held as a party to any contract
20 entered into by the Water System or its agents in carrying out activities
21 pursuant to this Order. By issuance of this Order, the Department does not
22 waive any future enforcement actions.
23
24
25
26
27



PARTIES BOUND

This Order shall apply to and be binding upon Grace Baptist Church, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The requirements of this Order are severable, and Grace Baptist Church shall comply with each and every provision thereof notwithstanding the effectiveness of any provisions.

CIVIL PENALTIES

Failure to comply with any provision or compliance schedule of this Order may result in the Department imposing additional enforcement actions (Citations) and administrative penalties of up to \$200 per day on the Water System.

1/28/14

Date



Richard L. Hinrichs

Richard L. Hinrichs, P.E., Chief
Northern California Section
DRINKING WATER FIELD
OPERATIONS BRANCH

cc: Reese Crenshaw, P.E., Valley District Engineer
Sutter County Department of Environmental Health

Attachments:

Appendix 1: Applicable Regulations
Attachment A: Proof of Notification Form
Attachment B: Public Notification Notice
Attachment C: Grace Baptist Capital Improvement Plan

Certified Mail No. 7011 2000 0001 1428 7327



APPENDIX 1 – APPLICABLE REGULATIONS

Section 116555 (a)(1) and (a)(3) of the CHSC provide:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 64431(a) of the CCR provide:

(a) Public water systems shall comply with the primary MCLs in Table 64431-A as specified in this article.

**Table 64431-A
Maximum Contaminant Levels (MCL)
Inorganic Chemicals**

Chemical	Maximum Contaminant Level, mg/L
Aluminum	1
Antimony	0.006
Arsenic	0.01
Asbestos	7 MFL*
Barium	1
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2
Mercury	0.002
Nickel	0.1
Nitrate (as NO ₃)	45
Nitrate+Nitrite (sum as nitrogen)	10
Nitrite (as nitrogen)	1

Chemical	Maximum Contaminant Level, mg/L
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

Section 116725 of the CHSC provides:

§116725. Civil penalties.

- (a) Any person who knowingly makes any false statement or representation in any application, record, report, or other document submitted, maintained, or used for purposes of compliance with this chapter, may be liable, as determined by the court, for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues.
- (b) Any person who violates a citation schedule of compliance for a primary drinking water standard or any order regarding a primary drinking water standard or the requirement that a reliable and adequate supply of pure, wholesome, healthful, and potable water be provided may be liable, as determined by the court, for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each separate violation or, for continuing violations, for each day that violation continues.
- (c) Any person who violates any order, other than one specified in subdivision (b), issued pursuant to this chapter may be liable, as determined by the court, for a civil penalty not to exceed five thousand

dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues.

(d) Any person who operates a public water system without a permit issued by the department pursuant to this chapter may be liable, as determined by the court, for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each separate violation or, for continuing violations, for each day that violation continues.

(e) Each civil penalty imposed for any separate violation pursuant to this section shall be separate and in addition to any other civil penalty imposed pursuant to this section or any other provision of law.

Section 116730 of the CHSC provides:

§116730. Misdemeanors and felonies.

(a) Any person who knowingly does any of the following acts may, upon conviction, be punished by a fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment:

(1) Makes any false statement or representation in any application, record, report, or other document submitted, maintained, or used for the purposes of compliance with this chapter.

- (2) Has in his or her possession any record required to be maintained pursuant to this chapter that has been altered or concealed.
 - (3) Destroys, alters, or conceals any record required to be maintained pursuant to this chapter.
 - (4) Withholds information regarding an imminent and substantial danger to the public health or safety when the information has been requested by the department in writing and is required to carry out the department's responsibilities pursuant to this chapter in response to an imminent and substantial danger.
 - (5) Violates an order issued by the department pursuant to this chapter that has a substantial probability of presenting an imminent danger to the health of persons.
 - (6) Operates a public water system without a permit issued by the department pursuant to this chapter.
- (b) If the conviction under subdivision (a) is for a violation committed after a first conviction of the person under this section, the person may be punished by imprisonment in the state prison for up to 24 months, or in the county jail for not to exceed one year, or by a fine of not less than two thousand dollars (\$2,000) or more than fifty thousand dollars (\$50,000) per day of violation, or by both the fine and imprisonment.

Certification of Public Notice

This form when completed and returned to the Division of Drinking Water and Environmental Management (364 Knollcrest Drive, Suite 101, Redding, CA 96002 or fax to 530-224-4844), serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463 – 64465.

Public Water System Name Grace Baptist Church

Public Water System No. 5100180

Public notification for the First Quarter 2014 arsenic level failure was performed by the following method(s) (check and complete those that apply):

☐ The notice was posted in the following conspicuous places:
A copy of the notice is attached.

Provide the date (or dates) that the notice was posted _____
(date)

☐ The notice was published in a local newspaper or newsletter on _____
A copy of the newspaper or newsletter notice is attached. (date)

☐ The notice was e-mailed to employees or students on _____
A copy of the notice is attached. (date)

☐ The notice was posted on the Internet or intranet on _____
A copy of the notice is attached. (date)

☐ The notice was directly delivered to each customer on _____
A copy of the notice is attached. (date)

I hereby certify that the above information is factual.

Printed Name

Signature

Date

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

**Grace Baptist Church Has Levels of Arsenic
Above the Drinking Water Standard**

Our water system recently violated a drinking water standard. Although this is not an emergency, as consumers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received between the third quarter of 2006 and the present have shown an average arsenic level of 16.4 micrograms per liter (ug/L). This is above the U.S. EPA standard, or maximum contaminant level (MCL) of 10 ug/L.

What should I do?

- This is not an emergency. If it had been, you would have been notified immediately. However, *some people who drink water containing arsenic in excess of the MCL over many years may experience skin damage or circulatory system problems, and may have an increased risk to getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What is being done?

The church has submitted to the Department of Public Health a Capital Improvement Plan to bring the arsenic levels below the MCL.

For more information, please contact Javier Caballero at 530-673-6847.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

This notice is being posted by Grace Baptist Church

State Water System ID#: 5100180.

Date distributed: _____.

Grace Baptist Church Capital Improvement Plan

Email sent 12/2/2013:

Dear Paul,

Thank you for being patient with us. We have been working hard to identify what options are available and what necessary steps to take. The information has been slow coming in from various contractors. Progress has been made so far. We are expecting a cost from \$20,000 - \$50,000. We have created a water fund. We expect the congregation will fund a large part of this project. We will have some funds available from the general fund to help expedite the process. I do not have a hard date as to when work will begin or how long it will take to complete the project at this time. The congregation will need some time to gather the offerings to fund this project.

We are waiting on some information about our site and the opportunity to have point of entry filtration systems or one system at the wellhead. We are gathering information from a contractor to help us with that decision. These are the steps we will need to take as far as capitol improvement is concerned.

1. Isolate all sprinkler systems.
2. Pre-treat water for filtration- (potential necessity depending on what system we use)
3. Determine whether to use point of entry or one system for all buildings.
4. Determine whether to use a well specifically for the filtration system if we choose to go with one plant.
5. Hire a contractor and execute the plan.

Please let me know if there is anything else that you require at this time. I will keep you updated on the progress as we follow this plan of action.

Javier Caballero